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REMARKS

Claims 1-8 were presented for examination. Claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0120787 to Shapiro *et al.* (hereinafter Shapiro). Upon entry of the above amendments, claims 1-8 are presented for examination, of which claims 1 and 8 are independent.

Rejection of claims 1-8 under 35 U.S.C. § 102(e)

Claims 1-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shapiro. Applicants respectfully traverse this rejection to the extent it is maintained against the claims as amended for the reasons set forth below.

Applicant's independent claims 1 and 8 summarily recite, in part, a web server receiving a transaction having a first and second request and assigning the first request to one server agent and the second request to another server agent. As described in the application at page, 2, paragraph 0007, and page 32, paragraph 108, a client session is divided into transactions that can include multiple HTTP GET requests. As claimed, each request of the transaction can be routed to a different server agent of the applicants' system. Shapiro fails to disclose, teach, or suggest this feature.

Although Shapiro describes two types of servers, (1) web servers and (2) application servers, that use load balancing, neither type of load balancing of Shapiro teaches or suggests the claimed load balancing of the applicants.

First, in paragraph 0064, Shaprio describes load balancing at the web server level as:

> As the web server 104 receives a request from a client computer 100, the
> web server may treat the request differently, depending on the type of
> resource the request references. For example, if the request references a
> document 106, such as an HTML document, then the web server may
> process the request itself, e.g., by retrieving the document from the web
> server's local file system or from a local cache and returning the document
> to the client computer. For other types of requests, e.g., requests
> referencing executable components, such as Java servlets, JavaBeans
> components, C program modules, CORBA components, etc., the web
> server may broker the request to an application server 108. For example,
> as shown in FIG. 2A, there may be a plurality of application servers 108,

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and the web server may select an application server to which to broker the request, e.g., using load balancing techniques. The web server 104 may interface with an application server 108 using various techniques, e.g., through an in process extension, such as an ISAPI or NSAPI extension.

Second, in paragraphs 0082 and 0083, Shapiro describes load balancing at the application server level as:

> [D]etermin[ing] whether the request should be processed by the current application server or would be better served by forwarding the request to another application server in the cluster.

> As shown in FIG. 4, an application server may also include a request manager service 224. Once the load balancing service determines that the current application server should process the client request (if load balancing is applicable), the request manager service is responsible for managing the processing of the request. As shown in FIG. 4, the request manager service 224 may include several components or modules, such as a request manager, a thread manager, and a queue manager. In one embodiment, client requests may be processed in a multi-threaded fashion. The thread manager module may manage a pool of threads available for processing requests. In one embodiment, the number of threads in the pool may be adjusted using an administrative tool.

Neither type of load balancing described by Shapiro teaches or suggests load balancing of transactions on a request-by-request basis. That is, multiple requests that are grouped as a transaction and the individual requests of the transaction being load balanced. Shapiro fails to disclose, teach, or suggest routing one request of the transaction to one server agent and routing another request of the transaction to another server agent to balance the load of the transaction among the server agents. Therefore, applicants respectfully request that the rejection of claims 1-8 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

In addition, applicants agree with the Examiner that the prior art cited and not specifically relied upon also fails to anticipate or suggest the invention as set forth in the applicants' claims. In view of the above arguments, applicants believe the pending application is in condition for allowance.

Applicants are submitting this response on the first business day following the Saturday (June 25, 2005) that ended the shortened statutory period for reply. Applicants believe no fee is

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due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. CXT-073 from which the undersigned is authorized to draw.

Dated: June 27, 2005   Respectfully submitted,

                                         By_____
                                         Leigh J. Martinson
                                         Registration No.: 50,749
                                         LAHIVE & COCKFIELD, LLP
                                         28 State Street
                                         Boston, Massachusetts 02109
                                         (617) 227-7400
                                         (617) 742-4214 (Fax)
                                         Attorney/Agent For Applicant

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